

1 3.3 The February 2, 1995, Cease and Desist Order speaks for itself.
2 3.4 Admitted.
3 3.5 The February 12, 1997, Order to Vacate speaks for itself.
4 3.6 Denied.
5 3.7 Admitted.
6 3.8 The January 30, 1998, Findings and Conclusions speak for themselves.
7 3.9 Denied that the City completed all work allegedly required to abate the alleged
8 nuisance. Admitted that a judgment was entered against defendant on or about March 11,
9 2005, and that the judgment was subsequently reversed and the cause of action remanded by
10 the Court of Appeals.
11 3.10 Denied.
12 3.11 Denied.
13 3.12 Denied.
14 3.13 Denied.
15 3.14 Denied.
16 3.15 Denied.
17 3.16 Admitted that the Arsenal Way property is without water service from
18 Bainbridge Municipal Utilities; otherwise denied.
19 4.1 Plaintiff incorporates her answers/responses to paragraphs 1.1 through 3.16 of
20 the Complaint.
21 4.2 Denied.
22 4.3 Denied.
23 4.4 Denied.

1 4.5 Denied.

2 4.6 Denied.

3 5.1 Plaintiff incorporates her answers/responses to paragraphs 1.1 through 4.6 of the

4 Complaint.

5 5.2 Denied.

6 5.3 Denied.

7 5.4 Denied.

8 5.5 Denied.

9 5.6 Denied.

10 6.1 Plaintiff incorporates her answers/responses to paragraphs 1.1 through 5.6 of the

11 Complaint.

12 6.2 Denied.

13 6.3 Denied.

14 6.4 Denied.

15 6.5 Denied.

16 **II. AFFIRMATIVE DEFENSES**

17 Defendant alleges the following affirmative defenses:

- 18 1. Accord and satisfaction.
- 19 2. Estoppel.
- 20 3. Fault of a nonparty.

21 **III. PRAYER FOR RELIEF**

22 Wherefore, having answered the Complaint and asserted her affirmative defenses,

23 defendant prays:

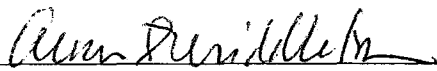
1 1. That the Complaint be dismissed with prejudice and that the City have and
2 recover no relief thereby.

3 2. For her costs and fees incurred in this action as allowed by law.

4 3. For such other and further relief as may be just or equitable.

5 DATED this 5th day of September, 2007.

6 Davis Wright Tremaine LLP
7 Attorneys for Defendant

8 By 
9 Alan S. Middleton, WSBA No. 18118

1 **CERTIFICATE OF SERVICE**


2 I hereby certify that on this 5th day of September 2007, I caused the document to which
3 this certificate is attached to be delivered the following as indicated:

4 Mark E. Koontz
5 Office of the City Attorney
6 345 6th Street, Suite 600
7 Bremerton, WA 98337

Via Electronic Mail:
mark.koontz@ci.bremerton.wa.us

Via FedEx (delivery on 9/6/07)

8 Declared under penalty of perjury under the laws of the state of Washington dated at
9 Seattle, Washington this 5th day of September 2007.

10 
11 Susan E. Perkins
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